

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LAVERNE VANN,
Plaintiff,

v.

**CITY OF PHILADELPHIA d/b/a THE
PHILADELPHIA POLICE
DEPARTMENT; and ANTHONY BOYLE,**
Defendants.

CIVIL ACTION

NO. 20-1433

ORDER

AND NOW, this 28th day of July, 2020, upon consideration of Defendant Anthony Boyle's Motion to Dismiss for Failure to State a Claim (ECF No. 9), Defendant City of Philadelphia's Motion to Dismiss for Failure to State a Claim (ECF No. 10), and Plaintiff's Omnibus Response in Opposition (ECF No. 11), **IT IS ORDERED** that Defendant Boyle's Motion to Dismiss is **DENIED** as to the assault and battery claim (Count I) and **GRANTED** as to the Pennsylvania Whistleblower claim (Count III) which is **DISMISSED WITH PREJUDICE**. Defendant City of Philadelphia's Motion to Dismiss the Pennsylvania Whistleblower claim (Count III) is **GRANTED** which claim is **DISMISSED WITH PREJUDICE**.

IT IS FURTHERED ORDERED that upon Plaintiff's notice of voluntary dismissal (ECF No. 11), Plaintiff's excessive force (Count I) and First Amendment retaliation (Count II) claims against Boyle in his official capacity and against the City of Philadelphia are **DISMISSED WITHOUT PREJUDICE**.

July 28, 2020

BY THE COURT:
/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.